S.B.CRIMINAL MISC. BAIL APPLICATION NO. 5698/2007

(Premlata and Anr. Vs. State of Rajasthan)

DATE OF ORDER : 22/11/2007

HON'BLE MR.H.R.PANWAR, J.

Mr. Vijay Purohit for the petitioners.
Mr. Ashok Upadhayay, Public Prosecutor for State.

Heard learned counsel for the petitioners and Public Prosecutor for the State. Perused the order impugned.

It is contended by learned counsel for the petitioners that the petitioners are the parents-in-law of the first informant and the petitioners' son as well as the first informant have been residing separately. The petitioners have no concern with the husband of first informant and a public notice was published in national newspaper "Rashtriya Sahara" on 30.8.2007 which reads as under :-

"**Public Notice"**

"It is hereby notified to the public at large that my clients Sh. Ram Dev Rathi S/o Late Sh. Tarachand Rathi & Smt. Premlata Rathi W/o Sh. Ram Dev Rathi both R/o 1715, Gali No.17, Rajgarh Colony, Delhi-31 have severed their relations with their son Gopal Rathi and daughter-in-law Smt. Bindu Rathi both R/o 1824A, Gali No.11, Rajgarh Ext., Delhi-31. Any body dealing with them in any manner will do so at his/her own risk & consequences."

Learned counsel for the petitioners submits that husband of the first informant has been arrested and dowry articles have

been recovered and thereafter the husband has been released on bail. He has shown me the order sheet of the trial court dated 30.10.2007 releasing the husband of the first informant on bail after arrest.

Looking to the facts and circumstances of the case and keeping in view the fact that there is no evidence of entrustment of any articles to the petitioners and the first informant and her husband have been residing separately and in view of the public notice the petitioners have no concern with them, without commenting on the merit of the case, having considered the oral arguments advanced by both the parties, I consider it just and proper to allow the bail application filed by the petitioners under Section 438 Cr.P.C.

Accordingly, the bail application filed by the petitioner u/s 438 Cr.P.C. is allowed and it is directed that in the event of arrest of petitioners Premlata W/o Ramdev and Ramdev S/o Tarachand in FIR No. 322/2007 P.S. Dungargarh, district Bikaner, they shall be released on bail for a period till the police concludes the investigation and files the challan provided each of them furnishes a personal bond in the sum of Rs.10,000/- along with one surety of like amount to the satisfaction of Investigating Officer to surrender and appear before the trial court on the date of filing of the challan after conclusion of the investigation on the following conditions:-

(i)That they shall make themselves available for interrogation by a police officer as and when required;

(ii)That they shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;

(iii)That they shall not leave India without the previous permission of the Court.

The petitioners shall surrender before the trial court on the date of filing of the challan and move a regular bail.

(H.R.PANWAR), J.

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